

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, OCTOBER 21, 1996  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:08 p.m. The meeting was recessed by Mayor Golding at 4:20 p.m. The meeting was reconvened by Mayor Golding at 4:32 p.m. with all members present. Mayor Golding adjourned the meeting at 5:06 p.m. into Closed Session at 9:00 a.m. on Tuesday, October 22, 1996, in the 12th floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present  
(1) Council Member Mathis-present  
(2) Council Member Wear-present  
(3) Council Member Kehoe-present  
(4) Council Member Stevens-present  
(5) Council Member Warden-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) Council Member Vargas-present  
Clerk-Fishkin (pr)

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

(M) Mayor Golding-present

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- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by City Attorney John Witt.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding International Monetary Funds, the World Bank and the support of either the United Nations or the United States.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-054.)

ITEM-PC-2:

Comment by Art Salzberg regarding the homeless in San Diego, and the Unified Port District being more productive.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-077.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Warden regarding the hospitalization of Milon Mills and that the Council sends him their best wishes for a speedy recovery.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A605-610.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

09/30/96

10/01/96

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A150-160.)

MOTION BY STEVENS TO APPROVE. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Commending Charlie Cox.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-401) ADOPTED AS RESOLUTION R-287917

Commending and recognizing Charlie Cox, for his volunteer efforts in making the Police Department's RSVP Program and the San Diego Housing Commission's

Address Match Program an award winning program that prevents drug and violent activity in subsidized housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-149.)

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Hillcrest Association Day.

(Continued from the meeting of October 7, 1996, Item 32, at Mayor Golding's request, to allow Councilmember Kehoe to be present.)

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-274) ADOPTED AS RESOLUTION R-287918

Commending the Hillcrest Association members, volunteers, and community supporters for their dedication to the citizens of San Diego;

Proclaiming October 24, 1996 to be "Hillcrest Association Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A161-221.)

MOTION BY STEVENS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33:

SUBJECT: Domestic Violence Awareness Month.

DEPUTY MAYOR STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-377) ADOPTED AS RESOLUTION R-287919

Continuing the commitment to assist the victims of domestic violence and to educate and assist the citizens of San Diego about new and effective solutions for family and community problems;

Proclaiming the month of October 1996 to be "Domestic Violence Awareness Month" in San Diego, in recognitions of the Center for Community Solutions and the need to do more to promote a violence-free society.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A222-267.)  
MOTION BY STEVENS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34:

SUBJECT: Arab-American Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-375) ADOPTED AS RESOLUTION R-287920

Proclaiming October 25, 1996 to be "Arab-American Day" in San Diego, in recognition of the contributions of Arab-Americans;

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Encouraging all residents to share and enjoy the  
festivities and cultural significance of this day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A270-345.)

MOTION BY STEVENS TO ADOPT. Second by Warden. Passed by  
the following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

\* ITEM-50:

NOTE: See Item 200 for a companion item. Per direction  
from the City Attorney's Office, Council will move forward  
with this item only if Item 200 is approved.

SUBJECT: Two actions related to PLAN 2000 Solid Waste Management  
Issues.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on  
10/8/96. (Council voted 5-2. Mayor Golding and  
Councilmember Vargas voted nay. Councilmembers Wear and  
Kehoe not present):

Subitem-A: (O-97-49 Corr.Copy) ADOPTED AS ORDINANCE  
O-18352 New Series)

Amending Chapter III, Article 1, of the San Diego  
Municipal Code by amending Section 31.0306, relating to  
Refuse Collector Business Tax.

Subitem-B: (O-97-3 Corr.Copy) ADOPTED AS ORDINANCE O-18353  
(New Series)

Amending Chapter VI, Article 1, of the San Diego  
Municipal Code by amending Sections 66.0101 through  
66.0106; by repealing Sections 66.0107, 66.0108,  
66.0109, 66.0110, 66.0111, 66.0112, 66.0113, 66.0114,  
66.0115, 66.0116, 66.0118, 66.0119, and 66.0121; by

amending and renumbering Sections 66.0117 to 66.0124 and 66.0120 to 66.0125; by renumbering Sections 66.0122 to 66.0126, 66.0123 to 66.0127, 66.0124 to 66.0128, 66.0125 to 66.0129, 66.0126 to 66.0130, and 66.0127 to 66.0131; and by adding new Sections 66.0107 through 66.0123 and 66.0132, all relating to Solid Waste Franchise.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-nay.

\* ITEM-51:

SUBJECT: Renewal Lease with the Federal Aviation Administration (FAA) for Property at Montgomery Field.

(Kearny Mesa Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/30/96. (Council voted 9-0):

(O-97-29) ADOPTED AS ORDINANCE O-18354 (New Series)

Authorizing the City Manager to execute a 20-year renewal lease with the Federal Aviation Administration (FAA) for its Centerfield Weather Equipment location at Montgomery Field on an approximately .64 acre site.

FILE LOCATION: LEAS-Federal Aviation Administration  
(FAA) LEASFY97-1

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND

ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-52:

SUBJECT: Extending City Issued Permits to Coincide with Assembly Bill AB 771.

(See Committee Consultant Analysis LU&H-96-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-27) INTRODUCED, TO BE ADOPTED ON NOVEMBER 12,  
1996

Introduction of an Ordinance amending Chapter X, Article 2, Division 3, of the San Diego Municipal Code by amending Section 102.0310, relating to Tentative Maps - Expiration and Discretionary Permits Approved Concurrently with Tentative Maps.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 3-0 to approve on consent.  
(Councilmembers Mathis, Stevens and McCarty voted yea.  
Councilmembers Wear and Warden not present.)

CITY MANAGER SUPPORTING INFORMATION:

On May 14, 1996, Governor Wilson signed Assembly Bill AB 771 which mandates a one year extension for all tentative maps which were approved before and not expired as of May 14, 1996. This is similar to a bill passed in September of 1993 and is intended to help in the State's economic recovery by allowing developers more time to complete their projects. The bill contained an "urgency clause" which makes the new law effective immediately. This one year extension is in addition to any other extensions that may be lawfully applicable.

The new state law does automatically extend state permits and



approvals, which would include all those issued by a county, but makes no provision for the automatic extension of local permits and approvals issued by a city. Therefore, as was the case in 1993, staff recommends that the City Council eliminate the inconsistency and retroactively extend all City approved development permits and approvals that are associated with qualified tentative maps for a period of one year beginning May 14, 1996. This extension would be in addition to any other lawful extensions available on any such permits and approvals.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO INTRODUCE THE ORDINANCE.  
Second by Warden. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-53:

SUBJECT: Establishing a Two-Hour Metered Parking Zone on  
Sutherland Street.

(Midway/Pacific Highway Corridor Community Area.  
District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-52) INTRODUCED, TO BE ADOPTED ON NOVEMBER 12,  
1996

Introduction of an Ordinance establishing a two-hour parking meter zone on the south side of 3400 Sutherland Street east of Pacific Highway, between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted;

Authorizing the installation of the necessary signs and markings.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S

RECOMMENDATION:

On 10/9/96, PS&NS voted 3-0 to approve on consent the City Manager's recommendation to establish the metered parking zone. (Councilmembers Stevens, McCarty and Vargas voted yea. Councilmembers Wear and Kehoe not present.)

CITY MANAGER SUPPORTING INFORMATION:

The fronting property owner, representing 100 percent of the subject area, submitted a petition requesting the installation of two hour metered parking along the south side of 3400 Sutherland Street. The business owner feels that this change will improve the ability of their customers to conduct business.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO INTRODUCE THE ORDINANCE.  
Second by Warden. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-54:

SUBJECT: Downtown Parks Curfew.

(See City Manager Report CMR-96-181. Centre City  
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-55) INTRODUCED, TO BE ADOPTED ON NOVEMBER 12,  
1996

Introduction of an Ordinance amending Chapter VI,  
Article 3, Division 1, of the San Diego Municipal Code  
by adding Section 63.0120, relating to Curfews in  
Downtown Parks, to establish a one year pilot curfew  
from midnight to 6:00 a.m. for Children's Park,  
Gaslamp Square Park, Pantoja Park and Washington

Elementary School Park.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:

On 9/18/96 PS&NS voted 4-0 on consent to direct the City Manager to institute the downtown parks curfew on a one-year pilot basis with a report at 6 months and again at the end of the full year. (Councilmembers Kehoe, Stevens, McCarty and Vargas voted yea. Councilmember Wear not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO INTRODUCE THE ORDINANCE.  
Second by Warden. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-100:

SUBJECT: Accepting the Semi-Annual Equal Employment Opportunity  
Report from the Personnel Director.

(See Report from the Personnel Director dated 8/30/96.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-311) ADOPTED AS RESOLUTION R-287921

Accepting the Semi-Annual Equal Employment Opportunity  
Report from the Personnel Director, dated August 1996,  
covering the period from December 15, 1995 to June 14,  
1996.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:

On 9/18/96, PS&NS voted 4-0 to approve and accept the report.  
(Councilmembers Kehoe, Stevens, McCarty and Vargas voted yea.)

Councilmember Wear not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: Truck Prohibition on Howard Avenue (South Bay), Via  
Suspiro, Via Costina, Corte Cafetal, Corte Rayito and  
West San Ysidro Boulevard (between Dairy Mart Road and  
Via Suspiro).

(San Ysidro Community Area. District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-258) ADOPTED AS RESOLUTION R-287922

Prohibiting commercial vehicles with a gross weight  
rating of over 10,000 pounds from operating on the  
following streets: Howard Avenue (South Bay), Via  
Suspiro, Via Costina, Corte Cafetal, Corte Rayito and  
West San Ysidro Boulevard (between Dairy Mart Road and  
Via Suspiro);

Authorizing the installation of the necessary signs and  
markings; and the regulations imposed shall become  
effective upon the installation of the signs.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 3-0 to approve on consent.  
(Councilmembers Mathis, Stevens, and McCarty voted yea.  
Councilmembers Wear and Warden not present.)

CITY MANAGER SUPPORTING INFORMATION:

The property owners and residents on Howard Avenue (South Bay), Via Suspiro, Via Costina, Corte Cafetal, Corte Rayito, and west San Ysidro Boulevard, west of Dairy Mart Road have submitted a favorable petition (representing 75% of the abutting properties) requesting that a truck prohibition be established.

The subject streets are residential in character and form a contiguous neighborhood located in the San Ysidro Community, and have been experiencing an increase in heavy truck traffic largely due to an increase in commercial activity at the border crossings. A truck prohibition of commercial vehicles with a gross vehicle weight rating over five tons is recommended on the subject streets. Trucks making local deliveries and providing service to these neighborhoods will be exempt from the prohibition.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102: CONTINUED TO OCTOBER 29, 1996

SUBJECT: Street Name Change - Pericarp Court to Sea Mist Court.

(See LU&H Consultant Analysis LUH-96-7. Mira Mesa  
Community Area. District-5.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-307)

Changing the name of Pericarp Court to Sea Mist Court;

Declaring that the street signage shall indicate both  
the old street name and the new street name for a  
period of six months following adoption of this

resolution, for the convenience of the general public;

Authorizing the installation and removal of the  
necessary signs and markings.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 3-0 to approve the item on consent.  
(Councilmembers Mathis, Stevens, and McCarty voted yea.  
Councilmembers Wear and Warden not present.)

CITY MANAGER SUPPORTING INFORMATION:

The affected residents have petitioned for the proposed street name change. The request has been generated due to the dissatisfaction of the affected property owners regarding the existing street name. Pericarp Court was dedicated per the Monarch Estates Unit No. 8, Map-13162, which was recorded on November 15, 1994. All of the affected property owners have agreed to the proposed street name change. All costs for the street signage have been provided by the property owners. Staff recommends approval of the proposed street name change.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO CONTINUE TO OCTOBER 29, 1996 AT THE CITY MANAGER'S REQUEST TO ALLOW TIME FOR PROPER NOTICING. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:

SUBJECT: Approving Parcel Map W.O. No. 032000 (I.D. No. 96-127).

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-402) ADOPTED AS RESOLUTION R-287923

Approving Parcel Map W.O. No. 032000 (I.D. No. 96-127),  
being a lot consolidation of Lots 1, 13 and 14 of  
Bernardo Vista del Lago, Map-12768.

FILE LOCATION: SUBD - Parcel Map W.O. No. 032000

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

SUBJECT: Building Restricted Easement Exchange and Pedestrian  
Right-of-Way - Hazard Center.  
(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1493) ADOPTED AS RESOLUTION R-287924

Authorizing the City Manager to accept the deed of D.R.  
Horton San Diego No. 16, Inc., conveying to the City a  
building restricted easement in a portion of Lot 6 of  
Hazard Center, Map-11949;

Authorizing a quitclaim deed, quitclaiming to D.R.  
Horton San Diego No. 16, Inc., all of the City's right,  
title and interest in the building restricted easement  
in a portion of Lot 6 of Hazard Center Map-11949;

Authorizing the City Manager to accept three grant  
deeds of D.R. Horton San Diego No. 16, Inc., granting  
to the City easements for water and sewer facilities,  
and pedestrian and non-motor vehicle right-of-way.

FILE LOCATION: DEED F-6851 DEED FY97-5

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

SUBJECT: South Bay Water Reclamation Plant - Site Acquisition.

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-292) ADOPTED AS RESOLUTION R-287925

Authorizing the City Manager to accept a grant deed  
executed by N & S Materials, Inc., conveying to the  
City a vacant 57.0874 acre parcel of land required for  
the construction of the South Bay Water Reclamation  
Plant, CIP-42-910.6;

Authorizing the expenditure of an amount not to exceed  
\$687,000 from Fund No. 41509, CIP-42-910.6, South Bay  
Water Reclamation Plant, for the acquisition of  
property rights and related costs, provided that the  
City Auditor first furnishes a certificate  
demonstrating that the funds are, or will be on deposit  
in the City Treasury;

Authorizing the City Auditor and Comptroller, upon  
advice from the administering department, to transfer  
excess budgeted funds, if any, to the appropriate  
reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action provides for the acquisition of the second of two  
parcels of land necessary for the construction of the South Bay  
Water Reclamation Plant, CIP-42-910.6. The South Bay Water  
Reclamation Plant is to be constructed on a 67.86 acre site in



the Tijuana River Valley adjacent to the International Wastewater Treatment Plant. The site consists of the subject parcel containing 57.0874 acres being purchased from N & S Materials, Inc., and a 10.775 acre parcel currently being acquired from the County of San Diego by previous City Council Resolution R-287717, adopted July 30, 1996.

Aud. Cert. 9700368.

FILE LOCATION: DEED F-6852 DEEDFY97-1

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

SUBJECT: Two actions related to the Exclusive Sale of Casa De Las Campanas.

(See City Manager Report CMR-96-205. Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-328) ADOPTED AS RESOLUTION R-287926

Authorizing the sale by negotiation of Lot 9 of Casa De Las Campanas 11, Map-11273, and portions of Rancho San Bernardo, Map-6081, for the amount of \$810,000 to Casa De Las Campanas;

Authorizing the execution of a grant deed, granting to Casa De Las Campanas, all that portion of Lot 9 of Casa De Las Campanas 11, Map-11273, and portions of Rancho San Bernardo, Map-6081;

Declaring that no broker's commission shall be paid by

the City on the negotiated sale.

Subitem-B: (R-97-329) ADOPTED AS RESOLUTION R-287927

Certifying that the information contained in Mitigated Negative Declaration DEP-95-0362, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the sale of 2.42 acres of property to Casa De Las Campanas.

FILE LOCATION: DEED F-6853 DEEDFY97-1

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107:

SUBJECT: Authorizing Payment of Partial Call in Lieu of Lost  
Registered Bond.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-345) ADOPTED AS RESOLUTION R-287928

Authorizing the payment of \$5,000 principal for  
Certificate Number S049, Par Value \$15,000, City of San  
Diego 1915 Act Limited Obligation Bond, of which \$5,000  
was called for early maturity on March 2, 1996, which  
has been lost, destroyed, or wrongfully taken and  
reissuance of \$10,000 remaining balance;

Funds for outstanding bond call payments have been

deposited with and will be paid by paying Agency on Council authorization of this resolution. (Calle Cristobal Assessment District No. 4013.)

CITY MANAGER SUPPORTING INFORMATION:

Special Districts Administration has been notified that registered Bond No. S049, Calle Cristobal Assessment District No. 4013, Bond Series 3668, par value \$15,000, of which \$5,000 was called for early maturity on 3/2/96, has not been located by the bondholder and that the bond cannot be presented for payment as required. In order to make payment for the lost bond and to reissue the remaining balance of \$10,000, the City Council must authorize such payment. Funds for payment of outstanding bond calls have been deposited with and will be paid by Paying Agent on Council approval of this resolution. A Lost Instrument Bond for twice the face value of the bond has been received, indemnifying the City against possible loss due to such action.

FILE LOCATION: STRT - D-2258

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108:

SUBJECT: Audrey "Mickey" Patterson-Tyler Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-399) ADOPTED AS RESOLUTION R-287929

Commending Audrey "Mickey" Patterson-Tyler for her many years of commitment and devotion to the City of San Diego;

Proclaiming October 21, 1996 to be "Audrey "Mickey" Patterson-Tyler Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109:

SUBJECT: Commending St. Therese Catholic Church on the  
Celebration of its 40th Anniversary.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-97-373) ADOPTED AS RESOLUTION R-287930

Commending St. Therese Catholic Church on the  
celebration of its 40th Anniversary, and applauding the  
parish for the vital role that it has played in  
improving the quality of life in the local community  
and beyond.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110:

SUBJECT: Social Advocates for Youth Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-97-403) ADOPTED AS RESOLUTION R-287931

Recognizing the accomplishments of Social Advocates for Youth, SAY San Diego;

Proclaiming October 25, 1996 to be "Social Advocates for Youth Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111:

SUBJECT: Excusing Councilmember Wear from the Council Meeting of  
10/8/96.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-387) ADOPTED AS RESOLUTION R-287932

Excusing Councilmember Wear from attending the Council  
meeting of October 8, 1996 to attend the Coastal  
Commission meetings in Los Angeles.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-112:

SUBJECT: Excusing Councilmember Wear from the LU&H and the PS&NS  
Committee Meetings of 10/9/96.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-388) ADOPTED AS RESOLUTION R-287933

Excusing Councilmember Wear from attending the Land Use  
and Housing Committee and the Public Safety and  
Neighborhood Services Committee meetings of October 9,  
1996, to attend the Coastal Commission meetings in Los  
Angeles.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113:

SUBJECT: First Amendment to the Agreement with Center for Social  
Services for Building Renovation.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-380) ADOPTED AS RESOLUTION R-287934

Authorizing a first amendment to the agreement with  
Center for Social Services, for design and construction  
renovation of its facility located at 3916 Normal  
Street;

Authorizing the expenditure of not to exceed \$35,000  
from CDBG Fund 18532, Dept. 4112, J.O. 112590.

CITY MANAGER SUPPORTING INFORMATION:

The Center for Social Services (The Center) located at 3916 Normal Street, San Diego, is a non-profit agency providing support to the Lesbian and Gay community in San Diego. The Center provides support to the Lesbian and Gay community by providing counseling programs for HIV infected persons, chemical dependency, and Learning Immune Function Enhancement (L.I.F.E.), a treatment and research program done in collaboration with the Pasture Institute in Paris. The Center also provides other services such as mental health programs, youth services, training for law enforcement officers and a crisis information line. The Center is proposing to renovate its facility to comply with the Americans With Disabilities Act (ADA), repair a leaking roof, and improve safety and energy efficiency by modifying heating, ventilation and air conditioning (HVAC) system.

On February 20, 1996, City Council adopted Resolution No. R-286942 authorizing the expenditure of \$35,000 for this project. On April 23, 1996, City Council adopted Resolution No. R-287238 granting an additional \$35,000 of CDBG funding for this project. This action will allow the \$35,000 to be used for this project.

Aud. Cert. 9700354.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114:

SUBJECT: Agreement with Children's Action League for  
Construction of a Prefabricated Building at 2807  
Fairmount Avenue.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-379) ADOPTED AS RESOLUTION R-287935

Authorizing an agreement with Children's Action League  
for the construction of a prefabricated building at  
2807 Fairmount Avenue;

Authorizing the expenditure of not to exceed \$25,000  
from CDBG Fund 18532, Dept. 4112, Org. 1205, J.O.  
112655.

CITY MANAGER SUPPORTING INFORMATION:

Children's Action League, formally known as Boys & Girls Aid  
Society Auxiliary, is a non-profit organization located at 2807  
Fairmount Avenue. Children's Action League is working with the  
Rosemary Aguirre Hamilton Achievement Academy to identify and  
help develop special talents and interests of children from ages  
5-12, and encourage them to be productive and active in the  
community.

Children's Action League is proposing to purchase and install a  
new 36' x 40' prefabricated building at Hamilton Achievement  
Academy, 2807 Fairmount Avenue. The building will be used to  
provide day care and after school care to approximately 80  
Hamilton Achievement Academy students ages 5 through 12 in grades  
K-5. On April 23, 1996, Council adopted Resolution No. R-287238  
granting \$25,000 of Fiscal Year 1996 CDBG Funds for this project.  
This action will allow the \$25,000 to be used for this purpose.

Aud. Cert. 9700353.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.



\* ITEM-115:

SUBJECT: Agreement with the San Diego County Water Authority for  
the Community Based Toilet Replacement Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-386) ADOPTED AS RESOLUTION R-287936

Authorizing an agreement with the San Diego County  
Water Authority, to implement and administer the  
Community Based Toilet Replacement Program;

Authorizing the expenditure of not to exceed \$105,000  
from the Water Department Operating Fund 41500, Water  
Conservation Program 76253, for the purpose of  
continuing the Community Toilet Replacement Program.

CITY MANAGER SUPPORTING INFORMATION:

This action requests the continued funding of the Community Based Toilet Replacement Program (Toilet Replacement Program) for the current Fiscal Year by entering into an agreement with the San Diego County Water Authority (CWA) to provide matching funds from the CWA and the Metropolitan Water District of Southern California (MWD) for 3,500 ultra-low flush toilets (ulft's). The program's funding percentages remain at 25 percent each for the City and the CWA, and 50 percent for the MWD. In June of 1993, the City Council first approved the City's participation in the Toilet Replacement Program. To date more than 14,000 ulft's have been distributed citywide to single-family owner occupied households meeting the low-income criteria established by the U.S. Department of Housing and Urban Development.

For the fifth phase of the Toilet Replacement Program, the CWA has contracted with the Neighborhood House Association, Triple Crown and the Center for Employment Training (CET) to operate field offices in the City. These three Community Based Organizations will hire local residents to work in the offices determining program eligibility, processing applications, canvassing neighborhoods to tell residents about the program, and collecting and recycling the old, higher volume toilets. The estimated water savings for the 3,500 ulft's is 154,000 gallons per day or 172 acre-feet per year. The City's cost to implement this program is \$31 per acre foot saved, compared to the \$429 per

acre-foot the City currently pays for imported water.

Aud. Cert. 9700364.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-116:

SUBJECT: Renew Agreement for As-Needed Storm Water Sampling and  
Testing.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-384) ADOPTED AS RESOLUTION R-287937

Authorizing the City Auditor and Comptroller to accept  
funds from participating agencies up to \$364,971, to be  
deposited in Storm Drain Fee Fund 105082;

Authorizing the City Manager to renew Agreement  
RR-286211, dated August 7, 1995, with Woodward-Clyde  
Consultants, to provide professional services for  
As-Needed Storm Water Sampling and Testing;

Authorizing the expenditure of not to exceed \$600,000  
from Storm Drain Fee Fund 105082 for As-Needed Storm  
Water Sampling and Testing, contingent upon obtaining  
certification of fund availability from the City  
Auditor and Comptroller.

CITY MANAGER SUPPORTING INFORMATION:

This is the fourth year of a cooperative agreement for wet  
weather sampling and testing of storm water between 18  
incorporated cities, the Unified Port District, and San Diego

County. This program will satisfy the monitoring requirements of the County-Wide Federal Storm Water Discharge Permit.

The City of San Diego has agreed to administer the contract. All co-permittees share in the cost according to jurisdiction area and population. This is the second year of a five year agreement with Woodward-Clyde Consultants. The funding for this agreement is approved annually for a fee not to exceed \$600,000.

Aud. Cert. 9700362.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-117:

SUBJECT: San Diego Naval Training Center (NTC) Amendment of  
Second Year's Federal Planning Grant and Continuation  
of Reuse Planning Consultant Contract.

(See City Manager Report CMR-96-207. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-323) ADOPTED AS RESOLUTION R-287938

Authorizing an amendment to Grant No. CL9360-95-02 from the Federal Office of Economic Adjustment to increase the amount of the Grant by \$145,233 to pay for final preparation of a reuse plan for the conversion of the Naval Training Center from Military to Civilian Use.

Aud. Cert. 9700314.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-118:

SUBJECT: Agreement with HDR Engineering, Inc. for Facilities  
Optimization and Competitive Assessment.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-301) ADOPTED AS RESOLUTION R-287939

Authorizing an agreement with HDR Engineering, Inc.,  
(Orange County, CA), for professional services related  
to the Metropolitan Wastewater Department Operations &  
Maintenance Division's Facilities Optimization and  
Competitive Assessment;

Authorizing the expenditure of not to exceed \$487,000  
from Fund 41508, Object Account 4151, Job Order 2069.

CITY MANAGER SUPPORTING INFORMATION:

The Operations and Maintenance Division of the Metropolitan Wastewater Department was identified as a candidate for competitive review beginning July 1, 1996. The Division, in conjunction with the Competition Program, is in the process of reviewing existing operations and maintenance activities in order to streamline costs. Included in this optimization study are Pump Station Nos. 1, 2, 64, 65, and East Mission Gorge, the Point Loma Wastewater Treatment Plant, the Fiesta Island Sludge Drying Facility and its replacement, the Metropolitan Biosolids Center. The Division is in need of consultant services to assist in this review. Three firms with experience in the optimization and competitive assessment of wastewater treatment plants were interviewed. Selection panel members were representatives of the Division's operations and management, the Competition Program and the Equal Opportunity Contracting Program. The Division selected

HDR Engineering, Inc. as its recommended consultant.

The scope of the consultant's work will be to assist the Division's optimization efforts by assessing the current costs of various treatment processes, benchmarking with similar wastewater treatment operators and identifying potential cost savings in the areas of plant technology, staffing, operations and maintenance. HDR Engineering, Inc. has extensive experience in evaluating methods to reduce operating costs at wastewater treatment facilities. In addition, their proposed method to accomplish the work is very "team oriented" to include individuals representing operations and maintenance staff, management and labor organizations. If a decision is made through the competition process to issue a Request for Proposal (RFP) for the operation of the wastewater treatment system, this agreement also provides an option for the consultant to assist City staff in preparing a competitive bid response. Authorization would also allow two other options to the \$250,000 base agreement with the above option: alternative electricity analysis, \$125,000, and avoided costs analysis, \$112,000.

Aud. Cert. 9700308.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-119:

SUBJECT: Appointment to the Citizens Advisory Board on  
Police/Community Relations.

(See memorandum from Mayor Golding dated 10/4/96 with  
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-405) ADOPTED AS RESOLUTION R-287940

Council confirmation of the appointment by the Mayor of Garry Collins, to serve as a member of the Citizens Advisory Board on Police/Community relations, as the Police Employee Group Representative, for a term ending January 1, 1997, to replace

Harry O. Eastus, who has resigned and for a two-year term ending January 1, 1999 in the same category.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-120:

SUBJECT: Appointment of Carol A. Nottley to the San Diego Housing Commission.

(See memorandum from Mayor Golding dated 10/4/96 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-407) ADOPTED AS RESOLUTION R-287941

Council confirmation of the appointment by the Mayor of Carol A. Nottley to serve as a member of the San Diego Housing Commission for a term ending December 2, 1998, replacing E. Percil Stanford, who resigned prior to the expiration of his term.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-121:

SUBJECT: Conflict of Interest Code for the Office of the City  
Clerk.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-97-239) ADOPTED AS RESOLUTION R-287942

Adopting the Revised Conflict of Interest Code for the  
Office of the City Clerk.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-122:

SUBJECT: Conflict of Interest Code for the Financial and  
Technical Services Business Center.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-362) ADOPTED AS RESOLUTION R-287943

Adopting the Revised Conflict of Interest Code for the  
Financial and Technical Services Business Center.

CITY MANAGER SUPPORTING INFORMATION:

The original Conflict of Interest Code for the Financial Management Department was adopted by Council Resolution R-272818, on February 6, 1989, as required by the Political Reform Act (Gov't. Code 81000 et seq.). The Financial & Technical Services Conflict of Interest Code has been revised to reflect citywide restructuring, changes in the law and regulations and to update the designated positions required to disclose economic interests. This revision is also intended to conform to Government Code 87306.5 requiring biennial review and update of local conflict of interest codes, as reflected in City Council Resolution R-287479, adopted on June 10, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-123:

SUBJECT: Conflict of Interest Code for Fire and Life Safety  
Services Business Center.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-361) ADOPTED AS RESOLUTION R-287944

Adopting the Revised Conflict of Interest Code for Fire  
and Life Safety Services Business Center.

CITY MANAGER SUPPORTING INFORMATION:

The Conflict of Interest Code for the Fire & Life Safety Services Department has been amended to reflect organizational changes. This amendment updates Exhibit A of the Code, which lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. This amendment also updates Exhibit B, which lists



disclosure categories.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-124:

SUBJECT: Revised Conflict of Interest Code for the  
Intergovernmental Relations Department.

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-97-272) ADOPTED AS RESOLUTION R-287945

Adopting the revised Conflict of Interest Code for the  
Intergovernmental Relations Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-125:

SUBJECT: Appointment and Reappointments to the Commission for  
Arts and Culture.

(See memorandum from Mayor Golding with resume  
attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-406) ADOPTED AS RESOLUTION R-287946

Council confirmation of the following appointment and reappointments by the Mayor to serve as members of the Commission for Arts and Culture for terms ending as indicated:

Reappointments to expire August 31, 1999:

Judith Harris  
Adleane Hunter  
Elizabeth Yamada

Appointment to expire August 31, 1998:

Dr. Alan Kilpatrick  
(To replace Juan Manuel Oncina who has resigned)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

(Trailed as Unfinished Business from the meeting of  
October 8, 1996, Item 334I, due to lack of 6  
affirmative votes.)

SUBJECT: Awarding 17 Nonexclusive Franchise Agreements to  
Licensed Commercial Waste Haulers.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-50 Corr.Copy) INTRODUCED, TO BE ADOPTED ON NOVEMBER  
12, 1996

Introduction of an Ordinance awarding nonexclusive franchises to and authorizing the City Manager to execute a nonexclusive franchise agreements with 17 currently licensed haulers upon completion of application and all requirements contained in the nonexclusive franchise ordinance and agreement.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO INTRODUCE THE ORDINANCE.  
Second by Warden. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-nay.

ITEM-201:

SUBJECT: California State Assembly Bill 3229 - Citizens' Option  
for Public Safety Grant.

(See City Manager Report CMR-96-204.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-374) ADOPTED AS RESOLUTION R-287947

Authorizing the City Manager to apply for, and accept  
Citizens' Options for Public Safety Grant funds from  
the State of California;

Setting up a Supplemental Law Enforcement Services Fund  
to receive and expend these funds;

Authorizing the City Manager to expend these funds in  
the manner set forth by the Chief of Police in the City  
Manager Report CMR-96-204 and to execute all aspects of  
program operation including any amendments and

extensions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-B015.)

MOTION BY McCARTY TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(San Ysidro and Tijuana River Valley Community Areas.  
District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-317) ADOPTED AS RESOLUTION R-287948

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

SUPPORTING INFORMATION:

For more than 60 years, raw sewage from the Republic of Mexico has flowed unabated into the United States plaguing the residents of San Diego. This flow is a serious threat to the region, creating health hazards, forcing the closure of beaches and impacting local businesses. For this reason, the City Council has continued to declare a State of Emergency in the Tijuana River Valley.

The solution to this long standing problem is the construction of the International Treatment Facilities. The facilities consist of a 25 million gallon per day (mgd) secondary treatment plant in the United States, canyon collectors in Goat Canyon and Smuggler's Gulch to collect renegade sewage, and the South Bay Ocean Outfall. The status of these projects is as follows:

**SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT**

- A. Construction Contract 1 (CC-1) - Site Preparation.  
Construction: Completed February 23, 1995 at a cost of \$4,873,615.
- B. Construction Contract 2 (CC-2) - Advanced Primary Facilities.  
Construction: June 1995 - March 1997.

Construction completion is on target for December 1996, with startup testing projected for January 1997. As of July 31, 1996, the percent completed was 73 percent. Placement of concrete for all below ground structures and most above ground structures is complete, and backfilling of foundations is almost complete. Placement of concrete for remaining above ground structures, and installation of electrical conduit, piping, protective coating and mechanical equipment and piping is ongoing.

At the Unstabilized Sludge Storage Tank Area, the foundation, walls, and roof of the Unstabilized Sludge Storage Tank (USST) have been completed, as well as the surface preparation of the interior walls for coating. Installation of the pumps at the Sludge Mixing Pump Station, and scrubber and chemical tanks at the USST Odor Reduction Station is continuing.

At the Personnel Building and Main Switchgear Building, all installation of drywall, doors, windows, fire sprinkler piping, insulation, flashing, electrical wiring and HVAC ductwork is complete. Finish trim and final painting are ongoing. At the Solids Processing Building and Truck Loading Building, placement of concrete with surface coating is complete. Two scrubbers have been installed at the Solids Processing Odor Reduction Station. Placement of concrete for the sludge conveyor footings is complete.

At the Headworks, all placement of concrete for the upper walls is complete. Influent pumps and variable frequency drives are being prepared for in-place testing. Placement of concrete for the Primary Sedimentation Tank (PST), walkways, handrails, and coating of the tank walls is complete. Installation of piping and equipment at the PST gallery is complete. Installation of piping and equipment at the Primary Skimmings Pump Station is also in progress.

Work on all columns for the perimeter fence has been completed, except for placement of the gate. Work at the border to connect the primary influent pipeline to the existing junction structure in Mexico and construction of Junction Structure No. 1 in the U.S. is nearing completion. Approximately 90 percent of the Canyon del Sol collection facility has been completed.

- C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities.  
Design: December 1993 - April 1996  
Construction: On-hold

The design of the activated sludge secondary system was completed on May 1, 1996. Construction is on hold pending the completion of a Supplemental Environmental Impact Statement (SEIS) and a decision on the best alternative method for secondary treatment. A draft SEIS was released for public review on September 6, 1996. A public hearing was held on October 7, 1996.

- D. Construction Contract 4 (CC-4A) - Smugglers Gulch Interceptor Collection System.  
Bid Solicitation: April 1996 - July 1996  
Construction: August 1996 - September 1997

A notice to proceed was issued on September 24, 1996. Construction is scheduled to be completed by September 1997.

- E. Construction Contract 4 (CC-4B) - Goat Canyon Interceptor Collection System.  
Bid Solicitation: April 1996 - July 1996  
Construction: September 1996 - October 1997

A notice to proceed was issued on September 24, 1996. Construction is scheduled to be completed by October 1997.

#### SOUTH BAY OCEAN OUTFALL

- A. Package 1 - Special Structures.  
Construction Contractor: Colich and Sons  
Bid: \$9,950,000  
Construction: April 1996 - July 1997

Excavation of the pipeline trench began the week of

September 9, 1996. Colich and Sons must complete all work associated with laying the pipe, constructing all structures and backfilling the entire right-of-way to original grade by January 23, 1997 so the site can be turned over to the IBWC contractor for installation of the primary effluent discharge connection facilities.

- B. Package 2 - Tunnel.  
Construction Contractor: Traylor Brothers/Obayashi  
Bid: \$88,285,000  
Construction: September 1995 - May 1998  
Startup: June 1998

Excavation of the drop shaft was down to about 184 feet of the total 199 feet, as of September 30, 1996. The drop shaft is expected to be completed in November. The ocean platform associated with the installation of the riser has been erected. The riser is being shotcreted.

- C. Package 3 - Marine Works.  
Construction Contractor: Fletcher General, Inc.  
Bid: \$36,442,000  
Construction: November 1995 - October 1997

Laying of the outfall diffuser legs began on September 17, 1996.

FILE LOCATION: WATER-STATE of Emergency Re: Discharge of  
Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A355-B015.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Transmittal of Preliminary Draft Naval Training Center  
Reuse Plan to the Federal Government.

(District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-455) ADOPTED AS RESOLUTION R-287949

1. Confirming the preferred land use alternative for environmental analysis for Camp Nimitz after considering new information about the least tern nesting site, landfill cleanup and emergency vehicle operations course.
2. Approving submission of the draft Homeless Assistance Element and draft Legally Binding Agreement with the Homeless Providers to the Department of Housing and Urban Development.
3. Accepting the City Manager's recommended Conveyance proposal for the disposition of the Naval Training Center.

CITY MANAGER'S RECOMMENDATION:

1. Reevaluate land use concepts for Camp Nimitz in light of new information regarding least tern nesting site, landfill cleanup and emergency vehicle operations course.
2. Approve submission of the draft Homeless Assistance Element and draft Legally Binding Agreement with the Homeless Providers to the Department of Housing and Urban Development.
3. Accept the City Manager's recommended Conveyance proposal for the disposition of the Naval Training Center.

FILE LOCATION: MEET (NTC #67)

COUNCIL ACTION: (Tape location: B017-D525.)

MOTION BY WARDEN TO APPROVE MAYOR GOLDING'S PROPOSAL FOR THE REUSE OF CAMP NIMITZ CONSISTENT WITH THE MAYOR'S MEMO OF OCTOBER 18, 1996 AS FOLLOWS: 1) THE PORT DISTRICT WILL REVISE THEIR PUBLIC BENEFIT CONVEYANCE APPLICATION TO REFLECT THE BOUNDARIES DESIGNATED FOR AIRPORT EXPANSION



(EXCLUSIVE OF LEAST TERN NESTING SITE). THE PORT WILL SUPPORT THE CITY IN ANY FUTURE NEGOTIATIONS WITH STATE LAND COMMISSIONS REGARDING TIDELANDS TRUST ISSUES. THE PORT WILL AFFIRMATIVELY STATE THAT IT HAS ONLY IDENTIFIED A NEED FOR THOSE PORTIONS OF NTC SHOWN ON THE MAP AND DESCRIBED IN THE AGREEMENT; 2) IF AT ANY TIME IN THE FUTURE, LAND CONVEYED TO THE PORT FOR AIRPORT EXPANSION IS NO LONGER USED FOR AIRPORT PURPOSES AND REVERTS TO THE FEDERAL GOVERNMENT AS REQUIRED BY THE PUBLIC BENEFIT CONVEYANCE RESTRICTIONS, THE PORT AGREES THAT IT WILL SUPPORT ANY APPLICATION BY THE CITY OF SAN DIEGO TO GAIN TITLE TO THAT SURPLUS PROPERTY; 3) IN ACCORDANCE WITH THE DETERMINATION OF SURPLUS ISSUED BY THE DEPARTMENT OF DEFENSE FOR NTC THE EXISTING LEAST THE SITE WILL BE REFLECTED IN THE REUSE PLAN WITH A PRIMARY LAND USE DESIGNATION AT A LEAST TERN NESTING SITE. HOWEVER, AN ALTERNATIVE DESIGNATION FOR THE SITE WILL BE SHOWN AS AIRPORT EXPANSION. CITY AND PORT WILL COOPERATE IN NEGOTIATIONS WITH U.S. FISH AND WILDLIFE SERVICE TO MAKE AIRPORT EXPANSION THE PRIMARY DESIGNATION. THE PORT SHALL BE RESPONSIBLE FOR ELIMINATING OR RE-LOCATING THE EXISTING LEAST TERN NESTING SITE TO IMPLEMENT AIRPORT EXPANSION; 4) THE PORT SHALL APPROPRIATE AND EXPEND A MINIMUM OF \$2 MILLION FOR DESIGN AND CONSTRUCTION OF IMPROVEMENTS AT CAMP NIMITZ ON LAND CONVEYED TO THE CITY IN ACCORDANCE WITH THE MAP RELATED TO AIRPORT NEEDS. CITY AND PORT SHALL AGREE UPON HOW THE FUNDS WILL BE USED; 5) MCCAIN ROAD WILL REMAIN OPEN TO BOTH CITY AND PORT USES ON CAMP NIMITZ. MODIFICATIONS TO MCCAIN ROAD REALIGNMENT WILL BE BY MUTUAL AGREEMENT BETWEEN PORT AND CITY; AND 6) THE PORT DISTRICT AGREES THAT THE CITY WILL PARTICIPATE IN THE PREPARATION OF THE LINDBERGH FIELD MASTER PLAN. THE PORT DISTRICT AGREES TO CONTRIBUTE UP TO \$300,000 TO OFFSET CITY COSTS IN THE LINDBERGH MASTER PLAN PROCESS.

ACCEPT COUNCIL MEMBER WEAR'S PROPOSAL TO REDESIGNATE THE LAND USE PLAN FOR THE CAMP NIMITZ PORTION OF THE SOON TO BE VACANT NAVAL TRAINING CENTER CONDITIONED ON THE SAN DIEGO UNIFIED PORT DISTRICT AGREEING BY NOVEMBER 1, 1996 TO THE POINTS SET FORTH IN MAYOR GOLDING'S MEMORANDUM OF OCTOBER 18, 1996, AND TO INCLUDE THE FOLLOWING ADDITIONS: 1) DIRECT THE CITY MANAGER TO SEARCH FOR AN EMERGENCY VEHICLE OPERATIONS COURSE (EVOC) THAT MEETS THE CITY POLICE AND FIRE DEPARTMENTS' REQUIREMENTS FOR SUCH A FACILITY. SEARCH FOR THE EVOC WILL PROCEED IMMEDIATELY UNDER THE FOLLOWING CONDITIONS: A) AUTHORIZE THE MAYOR AND THE CITY MANAGER TO NEGOTIATE FOR THE LAND FOR THE EVOC COURSE. THE CITY

MANAGER SHALL REPORT TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE WITHIN 30 DAYS ON THE SPECIFIC LOCATION IDENTIFIED FOR THE EVOC; B) THE CITY MANAGER SHALL REPORT TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE WITHIN 60 DAYS ON THE SPECIFIC POINTS OF AGREEMENT AND NEGOTIATION STATUS OF THE PREVIOUSLY IDENTIFIED EVOC SITE INCLUDING COSTS TO BUILD, CONSTRUCT, AND MITIGATE THE SITE FOR EVOC; AND C) THE CITY MANAGER SHALL REPORT TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE WITH A PROGRESS REPORT AS TO THE FINAL POINTS REGARDING THE EVOC INCLUDING THE DESIGN, FACILITIES INCLUDED IN THE PROJECT, AND SIGNED AGREEMENT WITH AN OUTSIDE ENTITY, IF REQUIRED. 2) AIRPORT EXPANSION ONTO CAMP NIMITZ SHALL NOT EXCEED 45 ACRES AND SHALL INCLUDE AN AREA FOR EXPANSION OF THE SMALL ARMS FIRING RANGE, HAZMAT, FIRE PROPS, AND OTHER PUBLIC SAFETY USES; 3) AT THE MAYOR'S DISCRETION BEGIN A WORKSHOP TO FACILITATE DISCUSSIONS ON LAND USES AND TRANSPORTATION BETWEEN THE CITY OF SAN DIEGO AND THE PORT WITH INVOLVEMENT OF OTHER ORGANIZATIONS AS NEEDED; AND 4) ACCEPT THE CITY MANAGER'S RECOMMENDED CONVEYANCE PROPOSAL FOR THE DISPOSITION OF THE NAVAL TRAINING CENTER. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY WEAR TO APPROVE THE TRANSITIONAL HOMELESS ASSISTANCE ELEMENT OF THE NTC REUSE PLAN TO: 1) ACCEPT EXHIBIT 1 AND 2 MATRIX INDICATING \$7.5 MILLION IN PROPOSED PROJECTS AND A PHASED FUNDING SCHEDULE WITH THE UNDERSTANDING THAT THE SOURCE OF FUNDS MAY INCLUDE BUT NOT BE LIMITED TO A SECTION 108 LOAN BORROWED AGAINST THE PLEDGE OF FUTURE CDBG DOLLARS ALLOCATED TO DISTRICT 2 DURING COUNCIL MEMBER WEAR'S TERM; REDEVELOPMENT AGENCY LOW/MOD TAX INCREMENT 20% SET ASIDE FROM THE NTC REDEVELOPMENT PROJECT AND FROM THE 20% AFFORDABLE HOUSING CENTER CITY REDEVELOPMENT PROJECT AREA TAX INCREMENT (WHERE A NEXUS CAN BE ESTABLISHED); FEDERAL HOME FUNDS OR OTHER YET TO BE IDENTIFIED PRIVATE OR PUBLIC SOURCES; AND 2) ADOPT THE LEGALLY BINDING AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE COALITION OF SERVICE PROVIDERS REGARDING THE HOMELESS ASSISTANCE ELEMENT OF THE SAN DIEGO NAVAL TRAINING CENTER REUSE PLAN WITH THE UNDERSTANDING THAT FURTHER MODIFICATIONS MAY BE FORTHCOMING DURING THE REVIEW PROCESS BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,

McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:06 p.m. in honor of the memory of Barbara Marsh as requested by Council Member Judy McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D533.)